

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

File Under Seal

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MERIDIAN BULK CARRIERS, LTD.,

Plaintiff,

-against-

08 Civ. 5280 (LAK)

SHIPPING AND TRADING HARRISONS GmbH, etc.,,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

Plaintiff seeks amendment of the process of maritime attachment and garnishment to increase the amount from the \$825,000 authorized by the Court to the full \$1,614,825 sought or, alternatively, an explanation for the Court's previous refusal to authorize the latter amount.

First, the Court considers the plaintiff's attempt to attach \$656,943 for interest on its alleged damages at the rate of 8 percent for three years plus the cost of prosecuting the claim to be, at best, unsubstantiated and at worst abusive. In the present climate, 8 percent seems an excessive rate of interest. Three years seems too long. \$400,000 for costs of prosecution seems too much.

Second, plaintiff seeks \$500,000 on the theory that this is the approximate amount of cargo claims presented by the Head Owners to the plaintiff for payment. But the complaint does not allege the theory on which these claims have been presented, let alone that plaintiff has paid them. Plaintiff thus has failed to make out a *prima facie* maritime claim in this regard. *Cf. Bottiglieri di na Navigazione SpA v. Tradeline, LLC*, 472 F. Supp.2d 588 (S.D.N.Y. 2007) (indemnity claim not ripe and therefore not *prima facie* maritime claim).

The amendment is denied.

SO ORDERED.

Dated: July 28, 2008



Lewis A. Kaplan
United States District Judge